

STATUS REPORT TO THE TWENTY-SECOND LEGISLATURE

2004 REGULAR SESSION

from the

Task Force on Beach and Water Safety



Prepared by the

**Department of Land and Natural Resources
in Conjunction with the
Task Force on Beach and Water Safety**

in response to

**Act 190, Session Laws of Hawai'i 1996
as amended by
Act 101, Session Laws of Hawai'i 1999
as amended by
Act 170, Session Laws of Hawai'i 2002**

December 2003

This status report has been prepared for submission to the Legislature pursuant to a provision in Act 190, Session Laws of Hawai'i (SLH) 1996, as amended by Act 101, SLH 1999, as amended by Act 170, SLH 2002 mandating annual reporting by the Task Force on Beach and Water Safety on its recommendations through 2007.

Act 190, SLH 1996, establishes a process for the State and Counties to provide both meaningful and legally adequate warnings to the general public of extremely dangerous natural conditions in ocean areas adjacent to their respective public beach parks. The Act recognizes a duty to warn specifically of dangerous shorebreak or strong current in the ocean fronting a beach park, if either condition exists, is extremely dangerous, is typical for that beach park, and poses a risk of serious injury or death.

Act 190, SLH 1996, clarifies that the State and Counties have no duty to warn of dangerous natural conditions at beaches, beach/coastal accesses or areas that are not public beach parks.

Act 190, SLH 1996, provides for a process, including record keeping, to replace vandalized, removed or illegible warning signs.

Act 190, SLH 1996, calls for the formation of a Task Force on Beach and Water Safety to advise the Chairperson of the Board of Land and Natural Resources prior to the Chairperson making a decision on the design and placement of warning signs erected pursuant to this Act.

The Task Force on Beach and Water Safety was convened after water safety

officer participants were solicited via their respective County Mayors and formally appointed by Governor Benjamin Cayetano pursuant to Act 190, SLH 1996. Other Task Force members were seated by their government position as provided in the Act. A new Task Force member was appointed and the sitting Task Force members had their appointment continued in August 2002.

Act 101, SLH 1999, amended Act 190, SLH 1996, by extending its mandate through June 30, 2003. Act 170, SLH 2002 further amended Act 190, SLH 1996, by extending its mandate through June 30, 2007.

The Task Force members are:

Peter T. Young, (Task Force Chairperson), Chairperson, Board of Land and Natural Resources

Ted Liu, Director, Department of Business, Economic Development and Tourism

Chris Measures, Chair, Department of Oceanography, University of Hawai'i

Marian Feenstra, Chief, Aquatics Division, Department of Parks and Recreation, County of Maui

David Kalani Vierra, Ocean Safety Bureau, Kaua'i Fire Department, County of Kaua'i

Ralph Goto, Director, Ocean Safety & Lifeguard Services Division, Department of Emergency Services, City and County of Honolulu

Larry Davis, Program Administrator, Aquatics Division, Department of Parks and Recreation, County of Hawai'i

Designees are:

Daniel S. Quinn (for Peter T. Young), Administrator, Division of State Parks, Department of Land and Natural Resources

Richard Grigg (for Chris Measures) Marine Biologist, Department of Oceanography, University of Hawai'i

Since late 1996, as reported previously, the Task Force has accomplished the following:

- Designed signs to warn of "strong current" and "dangerous shorebreak"
- Prepared guidelines for permanent sign placement
- Placed "strong current" and "dangerous shorebreak" signs, where warranted, at State and County beach parks
- Designed signs to warn of other extremely dangerous natural conditions in the ocean adjacent to a public beach park:

high surf
sudden drop-off
man-o-war
sharp coral
rip currents

waves break on ledge
slippery rocks
jellyfish
shark sighted

- Prepared guidelines for temporary sign placement

The Task Force met on June 20, 2003, and again on August 22, 2003. The meeting agendas and minutes of the June 20 meeting are attached as Appendix 1. The minutes of the August 22 meeting will be reviewed for adoption at the next Task Force meeting.

At the meeting of June 20, 2003, the Task Force reviewed and discussed the Draft Comprehensive Plan for Sandy Beach on O'ahu. The Plan was prepared by the Ocean Safety and Lifeguard Services Division, Honolulu, Department of Emergency Services, City and County of Honolulu. The intent is to refine this Plan and use it as a template for other comprehensive plans.

One of the first tasks which must be accomplished is to secure the service of an expert to develop a Beach Rating System. This component is essential to begin formulating a relative rating of the hazards at the various beaches.

The City and County of Honolulu and Maui County have retained a consultant who has completed the physical inventory of beaches on Oahu and Maui County. This will be used as framework for risk assessment in the development of comprehensive plans.

APPENDIX 1

MINUTES OF THE MEETING OF THE TASK FORCE ON BEACH SAFETY AND WATER

June 20, 2003
1151 Punchbowl Street

10:15 Call to Order

Sign posting location/relocation requests

Hawaii; Larry Davis Presented new signs locations for Kahaluu Beach Park

- Approved by Task Force
- Map to follow

Kauai; Kalani Vierra

Sign replaced at Salt Pond – due to rust

Lydgate – all signs replaced at Lydgate due to corrosion

Kealia Beach

- Requesting approval for Strong Current/Dangerous Shorebreak signs
6 along beach @ 75-100 yard intervals
Double faced towards road/ocean
- Approved by Task Force
 - To be sent to Chairman

Lydgate

- Requesting approval for additional sign locations due to:
expansion of park – toward Kamalani Bridge
Strong currents/dangerous shorebreak @ beach
Strong currents only due to protective reef located in front of restroom
Approved by Task Force to be sent to Chairperson

Marine Camp – North Outrigger Hotel

- Recent Drownings – County posted signs @ 4 locations
- Non-park area, but County maintains rubbish
 - Rip current in channel between shallow reefs
 - Discussions of whether approval of the signs there are within purview of Task Force, whether liability protection is provided
 - Approved by Task Force

Discussion of whether “old” signs (signs posted prior to current approved design) should be removed

Consensus is to remove the old ones

Discussion of Comprehensive Plan

- Need \$
- Risk Assessment

C. Fell – Public input – Perception of hazards

- . Questionnaires
- . Public hearing

R. Goto – Getting professional risk assessment for “objective” report for all beaches

C. Fell – Public inputs/hearings can cover several parks at a time

Discussion of warning signs, devices or system

C. Fell - Devices could be flags, sirens

Act 170

- Exception to Liability for County Lifeguard
- Limited to Lifeguard Services
- Gross negligence is pretty extreme – absolute lack of concern, intentionally ignoring people

11:45 Break for lunch

Discussion of Comprehensive Plan for Sandy Beach

R. Goto

- Intent is to develop a Comprehensive Plan to serve as a template for other plans

Recommendation

- 1) . Consider signs – permanent and temporary
- . Consideration of “Hazard Level” warning system for beach conditions similar to ski slope system (black diamond, etc.)

- 2) Include education strategies
- 3) Include prevention and intervention strategies

Next meeting

August 22, 2003 – 9:00 A.M., Kauai – Lihue Fire Station

Agenda next meeting

- . Discussion for Draft Comprehensive Plan for selected parks statewide
- . Site inspection for signage locations for various Kauai Parks

APPENDIX 1

AGENDA MEETING OF THE TASK FORCE ON BEACH AND WATER SAFETY

June 20, 2003 at 10:00 A.M.
1151 PUNCHBOWL STREET, ROOM 131

10:00 A.M.

Call to Order

Sign posting location/relocation requests

Discussion of Liability Issues (AG`s)

LUNCH BREAK

Strategy for development of comprehensive plans

APPENDIX 1

**AGENDA
MEETING OF THE TASK FORCE ON BEACH AND WATER SAFETY**

**AUGUST 22, 2003 at 9:00 A.M.
EMERGENCY OPERATING CENTER (NEW POLICE STATION)
LIHUE, KAUAI**

9:00 A.M.

Call to Order

Adoption of Minutes from meeting of June 20, 2003

Sign posting location/relocation requests

Discussion of Draft Comprehensive Plans for selected parks statewide

LUNCH BREAK

Site inspection of signage locations; various Kauai Parks